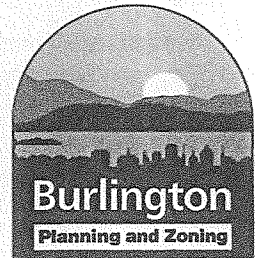


Department of Planning and Zoning

149 Church Street
Burlington, VT 05401
Telephone: (802) 865-7188
(802) 865-7195 (FAX)
(802) 865-7142 (TTY)

David White, AICP, Director
Ken Lerner, Assistant Director
Sandrine Thibault, AICP, Comprehensive Planner
Jay Appleton, GIS Manager
Scott Gustin, AICP, Senior Planner
Mary O'Neil, AICP, Senior Planner
Nic Anderson, Zoning Clerk
Elsie Tillotson, Department Secretary



TO: Development Review Board
FROM: Ken Lerner
DATE: December 17, 2013
RE: 14-0520AP; 132 Spruce Street

Note: These are staff comments only; decisions on projects are made by the Development Review Board, which may approve, deny, table or modify any project. THE APPLICANT OR REPRESENTATIVE MUST ATTEND THE MEETING.

Zone: RL Ward: 6
Owner/Appellants: Zoe & Robert Barracano / Stephanie & Miles Waite

Request: Appeal of communication confirming as-built approval under ZP# 12-1261CA for change of fence style to chain link, and that the fence encroaches too close to and onto the adjacent property.

Recommendation: Uphold determination for "as built" fence based on the following findings:

I. Findings

A. Background

On July 24, 2012, zoning permit 12-1261CA was issued for an "addition of wooden stockade fence on two and a half sides of property, deck in rear, garage roof, and change windows to sliding doors." This permit was not appealed.

On August 9, 2013, modified plans for the fence changing it from stockade to chain link were submitted and accepted "as built".

On October 7, 2013 the owner of 132 Spruce Street began installing a chain link fence. On the same date the appellant provided a correspondence that the chain link fence was being installed, and referenced the lack of a "Z" card. (Note that subsequent discussion with owner indicated that the "Z" card was placed in the window but fell down while they were away.)

On October 7, 2013, at the same time the correspondence was received, staff met with owner of 132 Spruce Street who indicated some non-compliance with the approved site plan:

- The fence encroached over the eastern and northern property lines onto the adjacent properties.
- A concern with the driveway access gate was discussed as the concern was that it opened outward and thus could affect the public ROW.

- The clear sight triangle needed to be respected.

The owner agreed to move all encroaching fences onto the 132 Spruce St. property providing a 12" space from the property line.

The owner also agreed to follow up with DPW regarding the gate opening outward. This latter item subsequently was accepted by DPW as the gate had a spring closure and thus not a problem for DPW.

The owner further agreed to modify the front section within the clear sight triangle from chain link to a picket fence.

B. Appeal

The appeal (File #14-0520CA) according to the appellant addresses unresolved issues related to the fencing and requests a revocation of the zoning permit or refusal to issue a certificate of occupancy, (see attached statement from appellant dated October 30, 2013).

The first concern is the style & mixture of fencing and its height as being incompatible with the neighborhood. The Municipal Development Plan is referenced. The appellants note that some portions of the fence are re-purposed metal fencing. A concern also is that there is no precedent for a fence of this height and style.

The second objection is the negative impact on adjacent property's value and is not compatible with the City's "Fences" guide.

The third objection restates the fence's inappropriateness in a National Register district. Another point made by the appellant is that the fence is not setback back sufficiently nor is it parallel to the property line.

The final point is that the fence violates the property line and is not setback sufficiently or parallel to the property line resulting in it being non-complaint.

C. Response

The zoning permit itself was not appealed and it, along with any modifications, is final under statute. It cannot be contested by any party. The concerns raised in the appeal are addressed herein.

In addressing the first issue, chain link fences are common on residential properties, historic and otherwise, in all parts of Burlington. They provide security, pet containment while allowing greater amounts of light, air and a visual openness that solid fences cannot match. Plan policies are implemented by zoning ordinances and in of themselves are not regulations. No fence permit has been denied due to the fence being chain link.

The second issue refers to the guides and property values. While there are fence guidelines, there are no fence specific regulatory design criteria in the zoning ordinance, other than insuring clear sight lines, presenting the finished side outwards and being setback sufficiently to allow maintenance without encroachment onto adjacent lots. The guidelines are informational and not regulatory. The language the appellant references is general and not a standard.

No evidence has been presented that supports a contention that property values are impacted; nor are there any zoning criteria related to fences that address value. In this case, there is arborvitae planted along the fence that mitigates any conceived impact.

The third concern is of the inappropriateness in an historic district. Included in the file are some photos of other historic properties that have chain link fences. A fence certainly can be installed or removed and thus would not permanently adversely affect an historic district.

The final item speaks to the setback and encroachment. A survey was prepared for and submitted by the owners of 132 Spruce and they agreed to relocate the fence so that it no longer encroached beyond their property. A chain link fence needs very little maintenance from the outside, not like a wooden fence that may need painting or replacement of boards. It can be removed from the inside as necessary. The owner of 132 Spruce explained the fence is not parallel due to it attempting to go around a tree (see photo titled "Encroachment site" submitted by appellants).

II. Recommended Motion

Uphold the determination that the fence as built and re-located is acceptable under Zoning Permit 12-1261CA and deny appeal 14-0520CA.

Staff Response Appealed

Ken Lerner

From: Ken Lerner
Sent: Tuesday, October 15, 2013 4:53 PM
To: 'waite@burlingtontelecom.net'
Cc: William Ward; dynamozoe@yahoo.com; Jeanne Francis; Nic Anderson; Ronald Gore
Subject: RE: 132 Spruce St.

Ms. Waite:

Please be patient as your concerns are taken seriously and are being looked into. Note that the revised letter was only received on Oct. 9 and forwarded Oct. 10. Regardless this email is in response. There are a number of issues raised in the letter and the responses need to be thorough, investigated and coordinated with other departments. A communication immediately was sent to Code Enforcement to coordinate with that department and Ms. Barraccano was referred to DPW regarding the gate as any infringement on the public ROW is within their jurisdiction.

In addition, time was spent meeting with Ms. Barracano who had a survey prepared. She indicated that any fencing located outside of her property will be relocated and any fence within the clear sight triangle will be reduced accordingly. And in response to the change to a chain link fence, there are no design standards for fences. A chain link fence requires very little maintenance and it should be possible to do any work without encroaching on another property.

If you disagree with any determination made herein it may be appealed to the Development Review Board in accordance with the provisions of CDO Sections 2.7.11 and 12.2.2 provided that such appeal is filed within fifteen (15) days of the date of this correspondence, and accompanied by the appropriate fee in accordance with Sec. 3.2.4(a) of the CDO. Appeal fee and complete application shall be filed with the City's Planning and Zoning Office (City Hall, 149 Church Street) by 4 pm on the 15th day, i.e. October 30, 2013; an appeal shall not be perfected until the fee is received.

Sincerely,

Ken Lerner

-----Original Message-----

From: Nic Anderson
Sent: Friday, October 11, 2013 12:35 PM
To: Ken Lerner
Subject: FW: revised letter re: 132 Spruce St.

Please respond.
Nic

-----Original Message-----

From: Stef Waite [mailto:waite@burlingtontelecom.net]
Sent: Thursday, October 10, 2013 4:16 PM
To: Nic Anderson
Subject: Re: revised letter re: 132 Spruce St.

Is it reasonable to expect a response within a day or 2? The fence posts are going in the ground and are of varying heights. I worry that even if the fence is non-compliant we will be stuck with it.

Miles and Stefanie Waite
138 Spruce Street
Burlington, Vermont 05401

RECEIVED
OCT 30 2013

DEPARTMENT OF
PLANNING & ZONING

October 30, 2013

City of Burlington, Vermont
Department of Planning & Zoning
149 Church St.
Burlington, VT 05401

RE: ZP #: 12-1261CA; Property Address 132 Spruce Street

To Whom It May Concern,

Thank you for your prompt response to my letter of October 9, 2013, regarding the captioned Zoning Permit for 132 Spruce Street. My purpose in submitting this letter is: (1) to identify unresolved issues related to the fencing at 132 Spruce Street and (2) to request that the City either revoke the permit or refuse to issue a Certificate of Occupancy for the fence at 132 Spruce Street. In support thereof, I submit the following:

First, the applicants are installing a permanent six-foot high chain link fence consisting of a mixture of metal fencing, plastic-coated metal fencing and, in some sections, used or repurposed metal fencing material (see enclosed photographs). The approval of a fence of this height and style is completely incompatible in the neighborhood and contradicts the City's objective to "conserve the existing elements and design of its established neighborhoods" (Burlington Municipal Development Plan section IV: Historic Preservation). As stated in my previous letter, there is no precedent for the permanent installation of a fence of this height and style in this residential neighborhood. The only other comparable fencing in the surrounding area include the temporary chain link fencing installed by the University of Vermont at 61 Summit Street while the property is under construction, and a second installed by Champlain College along the sidewalk leading from Maple Street toward Edmunds Elementary to block the construction site. Both will be removed upon completion of construction. In approving a fence of this height and style within the South Willard Street Historic District, I believe the City has failed to adhere to its policies. Therefore, I am requesting that the City either revoke the permit or decline to issue a Certificate of Occupancy for this permit.

Second, the fence that has been installed at 132 Spruce Street has a direct, negative impact on the adjacent property's value and marketability. The City of Burlington prides itself on "the community's attention to detail, and respect for it's [sic] setting, heritage and quality urban design" (Burlington Planning & Zoning Design Review Guide). The City's own "Fences Guide" states that the "Styles, materials, and dimensions of the proposed fence shall be compatible with the context of the neighborhood and the use of the property." I believe that a fence of this height and of this type of material is wholly incompatible with the City's policies and its pledge to "uphold its strong commitment to preserving our quality of life and the unique character of our city" (Burlington Municipal Development Plan section IV: Historic Preservation). A fence of this height and material is appropriate for temporary installation around a construction site; the City should not permit the permanent installation of a six-foot high chain link fence in this residential area.

Miles and Stefanie Waite
138 Spruce Street
Burlington, Vermont 05401

Third, a fence of this height and style is entirely inappropriate for a property included on the National Park Service's National Register of Historic Places, as 132 Spruce Street and the surrounding homes are. I believe it is in the City's best interest to preserve the integrity of the South Willard Street Historic District by either revoking the permit or denying issuance of the Certificate of Occupancy.

Finally, a portion of the fence violates the line and enters the adjacent property because the fence is not set back sufficiently and is not parallel to the property line. Therefore, the fence is noncompliant, precluding issuance of a Certificate of Occupancy.

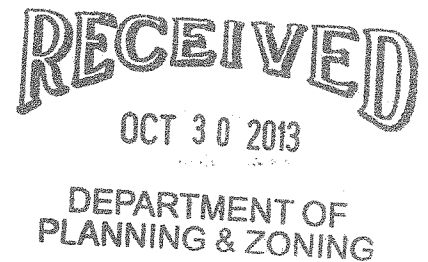
I sincerely hope that the City will address these concerns and embrace this opportunity to review these issues and consider its options in resolving them not only for the parties involved in this instance, but for future homeowners in this remarkable city.

Thank you for your prompt attention to these matters.

Sincerely yours,



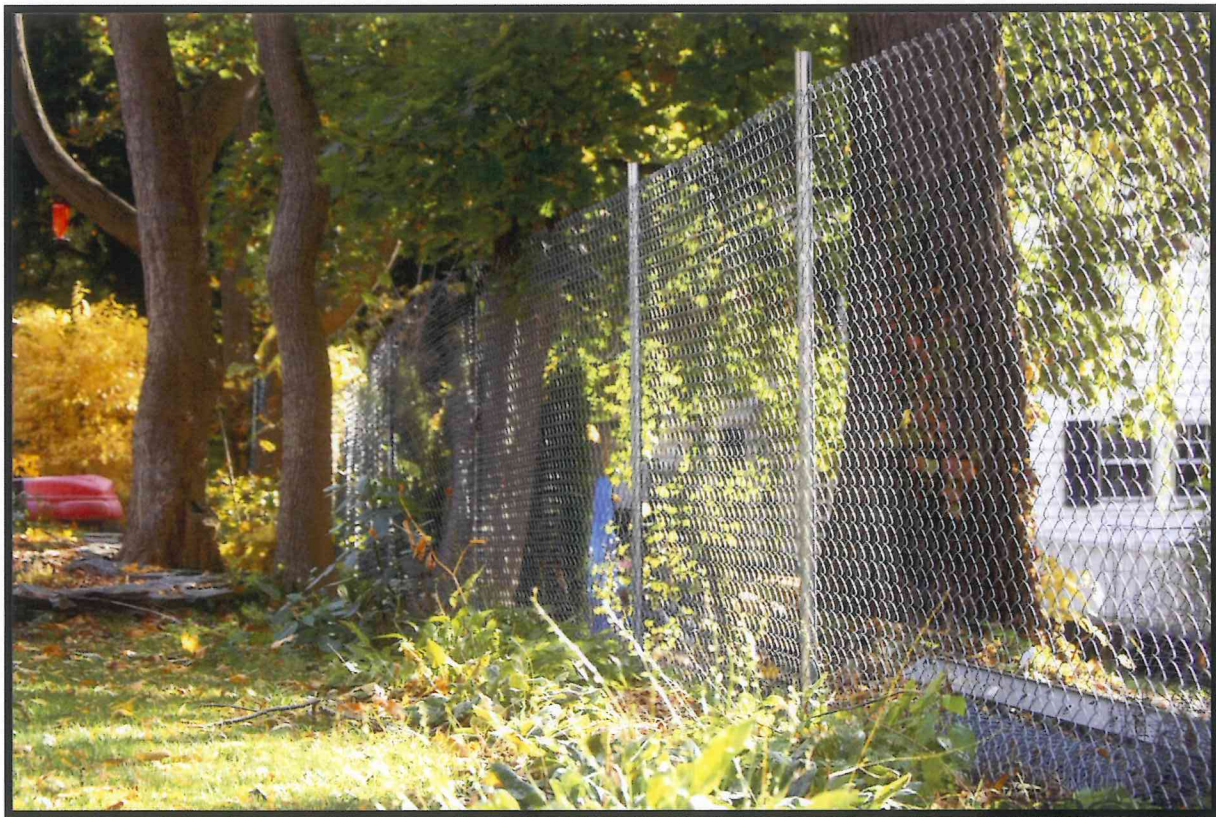
Stefanie Waite



enclosure: photographs of fencing at 132 Spruce Street

cc: Ken Lerner, Zoning Administrator

Bill Ward, Director of Code Enforcement



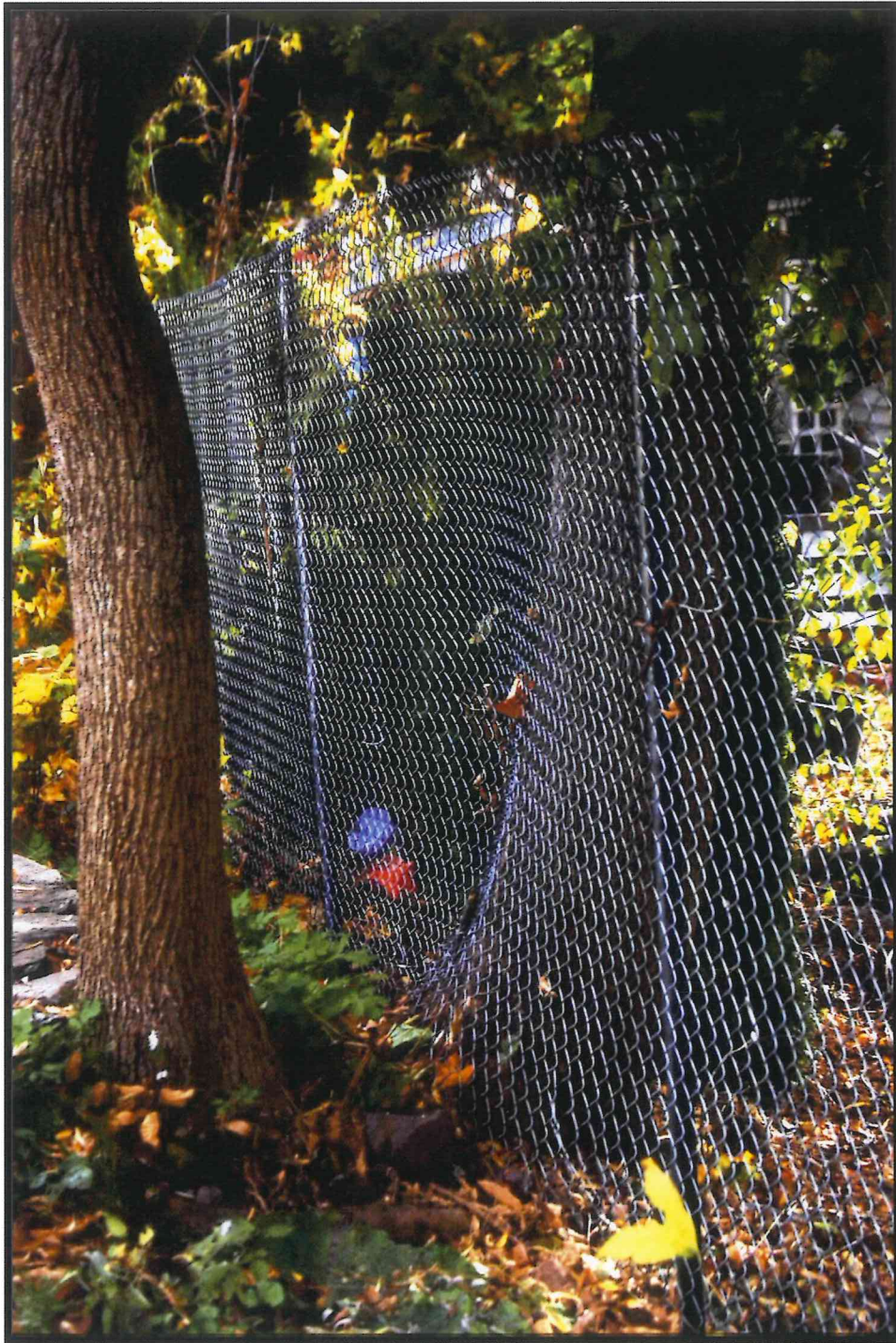
Chain link fence: 132 Spruce Street

RECEIVED
OCT 30 2013

DEPARTMENT OF
PLANNING



Reused fencing material



Encroachment site

RECEIVED
OCT 30 2013

DEPARTMENT OF
PLANNING & ZONING



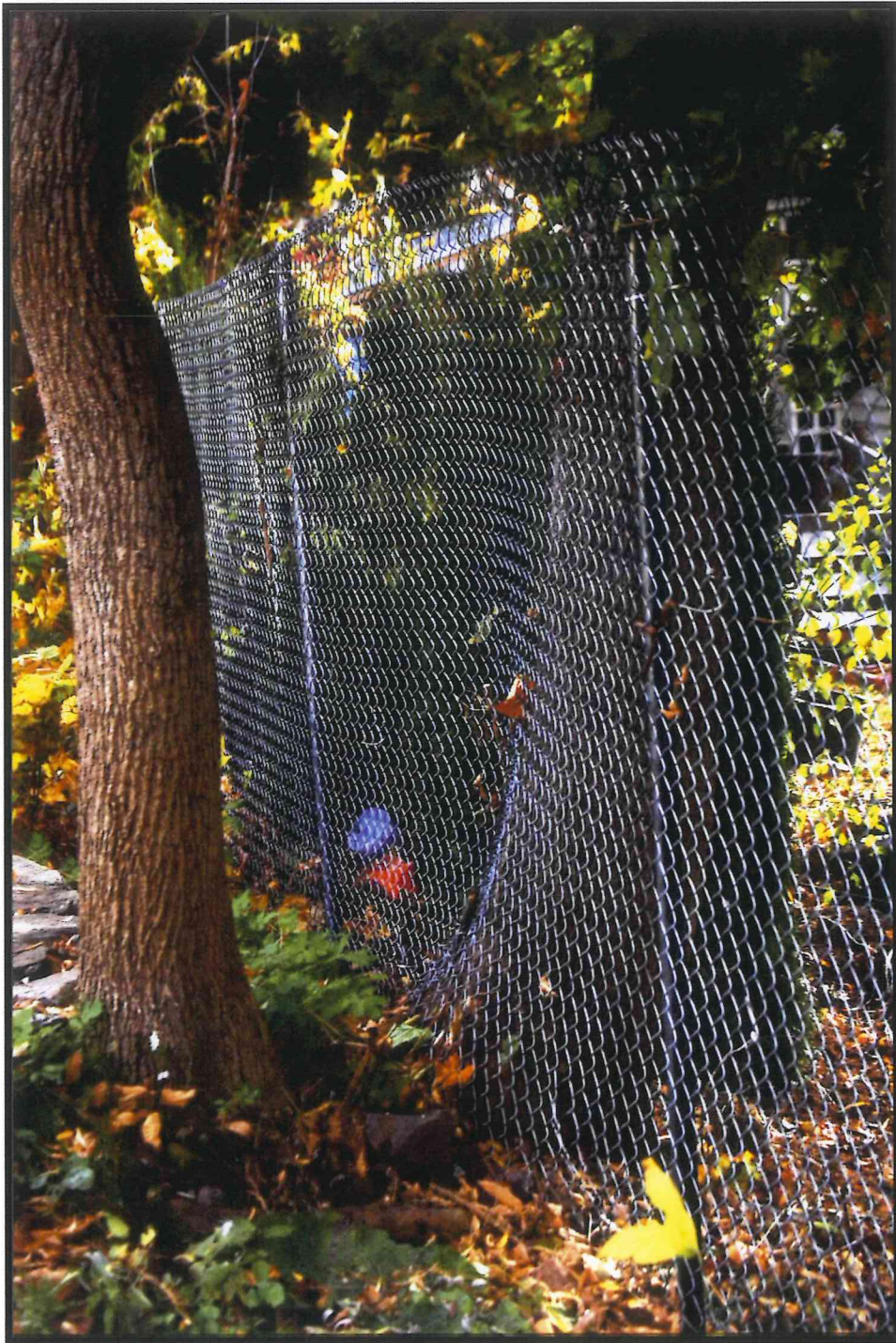
Chain link fence: 132 Spruce Street



Reused fencing material

RECEIVED
OCT 30 2013

DEPARTMENT OF
PLANNING & ZONING



Encroachment site

RECEIVED
OCT 30 2013

DEPARTMENT OF
PLANNING & ZONING

Ken Lerner

From: Zoe <Dynamozoe@yahoo.com>
Sent: Wednesday, October 16, 2013 8:28 PM
To: Ken Lerner
Cc: William Ward; Jeanne Francis; Nic Anderson; Ronald Gore; Robert Schmidt Barracano
Subject: Re: 132 Spruce St.

Hi Ken,

Thanks for copying me on the letter below.

Ron Gore may have already told you that he came by and looked at the fence and it did not violate any ordinances. He may want to share specifics with you.

Once we have all our specs ready, we'll submit the change to the permit for the front section from chain link to picket fence.

The permit closes July 2014.

Please let us know if you need any other information from us in the interim.

Regards,
Zoë Barracano

323-666-2425

On Oct 15, 2013, at 4:53 PM, Ken Lerner <KLerner@burlingtonvt.gov> wrote:

Ms. Waite:

Please be patient as your concerns are taken seriously and are being looked into. Note that the revised letter was only received on Oct. 9 and forwarded Oct. 10. Regardless this email is in response. There are a number of issues raised in the letter and the responses need to be thorough, investigated and coordinated with other departments. A communication immediately was sent to Code Enforcement to coordinate with that department and Ms. Barraccano was referred to DPW regarding the gate as any infringement on the public ROW is within their jurisdiction.

In addition, time was spent meeting with Ms. Barracano who had a survey prepared. She indicated that any fencing located outside of her property will be relocated and any fence within the clear sight triangle will be reduced accordingly. And in response to the change to a chain link fence, there are no design standards for fences. A chain link fence requires very little maintenance and it should be possible to do any work without encroaching on another property.

If you disagree with any determination made herein it may be appealed to the Development

Review Board in accordance with the provisions of CDO Sections 2.7.11 and 12.2.2 provided that such appeal is filed within fifteen (15) days of the date of this correspondence, and accompanied by the appropriate fee in accordance with Sec. 3.2.4(a) of the CDO. Appeal fee and complete application shall be filed with the City's Planning and Zoning Office (City Hall, 149 Church Street) by 4 pm on the 15th day, i.e. October 30, 2013; an appeal shall not be perfected until the fee is received.

Sincerely,

Ken Lerner

-----Original Message-----

From: Nic Anderson

Sent: Friday, October 11, 2013 12:35 PM

To: Ken Lerner

Subject: FW: revised letter re: 132 Spruce St.

Please respond.

Nic

-----Original Message-----

From: Stef Waite [<mailto:waite@burlingtontelecom.net>]

Sent: Thursday, October 10, 2013 4:16 PM

To: Nic Anderson

Subject: Re: revised letter re: 132 Spruce St.

Is it reasonable to expect a response within a day or 2? The fence posts are going in the ground and are of varying heights. I worry that even if the fence is non-compliant we will be stuck with it.

Sent from my iPad

Nic Anderson

From: Ken Lerner
Sent: Tuesday, October 15, 2013 4:53 PM
To: 'waite@burlingtontelecom.net'
Cc: William Ward; dynamozoe@yahoo.com; Jeanne Francis; Nic Anderson; Ronald Gore
Subject: RE: 132 Spruce St.

Ms. Waite:

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In addition, time was spent meeting with Ms. Barracano who had a survey prepared. She indicated that any fencing located outside of her property will be relocated and any fence within the clear sight triangle will be reduced accordingly. And in response to the change to a chain link fence, there are no design standards for fences. A chain link fence requires very little maintenance and it should be possible to do any work without encroaching on another property.

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Is it reasonable to expect a response within a day or 2? The fence posts are going in the ground and are of varying heights. I worry that even if the fence is non-compliant we will be stuck with it.

Nic Anderson

From: Stef Waite <waite@burlingtontelecom.net>
Sent: Monday, October 28, 2013 2:39 PM
To: Nic Anderson
Subject: Re: 132 Spruce St.

Thanks. I have discussed the issues with him.

Sent from my iPhone

On Oct 28, 2013, at 1:05 PM, Nic Anderson <nanderson@burlingtonvt.gov> wrote:

Attached is the appeal form. This would be submitted to appeal any decision we may have made in the last 15 days. I think you probably want to discuss with Ken directly first as I am not sure which determination you intend to appeal.

Nic

From: Stef Waite [<mailto:waite@burlingtontelecom.net>]
Sent: Monday, October 28, 2013 1:01 PM
To: Nic Anderson
Subject: Fwd: 132 Spruce St.

Is the application referenced in Ken Lerner's email below a form I get from your office or from your website? I intend to file whatever paperwork is required and pay the fee on Wednesday. Please advise about the application. I have prepared a letter which I intend to file on Wednesday at your office. Thanks!

Lerner wrote:

Appeal fee and complete application shall be filed with the City's Planning and Zoning Office (City Hall, 149 Church Street) by 4 pm on the 15th day, i.e. October 30, 2013; an appeal shall not be perfected until the fee is received.

Stefanie Waite

Sent from my iPad

Begin forwarded message:

From: Ken Lerner <KLerner@burlingtonvt.gov>
Date: October 15, 2013 at 4:53:13 PM EDT
To: "waite@burlingtontelecom.net" <waite@burlingtontelecom.net>
Cc: William Ward <wward@burlingtonvt.gov>, "dynamozoe@yahoo.com" <dynamozoe@yahoo.com>, Jeanne Francis <JFrancis@burlingtonvt.gov>, Nic Anderson <nanderson@burlingtonvt.gov>, Ronald Gore <rgore@burlingtonvt.gov>
Subject: RE: 132 Spruce St.

Sent from my iPad

<appealform.pdf>

Miles and Stefanie Waite
138 Spruce Street
Burlington, Vermont 05401

October 7, 2013

City of Burlington, Vermont
Department of Planning & Zoning
149 Church St.
Burlington, VT 05401

RE: ZP #: 12-1261CA

To Whom It May Concern,

I am writing about a proposed fence at 132 Spruce Street which was approved by your office. I have several concerns regarding the permitting process and the proposal. First, the original application for this site was for a wooden stockade fence, but this has since been modified to a six foot chain link fence. When the change to the application was made at your office, the applicants did not display the "Z" sign indicating that a change in the permit had been proposed. Further, the residence is located in an historic district surrounded by many homes recognized by Preservation Burlington. There is little if any precedent for a fence of this style in the neighborhood, two exceptions being temporary chain link fencing installed by the University of Vermont at 61 Summit Street* while the property is under construction, and a second installed by Champlain College along the sidewalk leading from Maple Street toward Edmunds Elementary to keep pedestrians safe from the construction site. Both will be removed upon completion of the construction projects.

Second, the applicants have planned to install the chain link fence within several inches of the property line, which violates the city's setback guidelines. The location so close to the line does not allow them to install and maintain the fence while staying strictly on their property. Finally, the proposal does not follow the city's "clear sight triangle" guidelines, which state that the fence must not exceed a height of three feet along 15' of the driveway.

The fences currently in place at 132 Spruce Street violate several city guidelines, and I hope that the proposed chain link fence does not further violate the city's regulations. First, the white fence installed along Spruce Street is not set back sufficiently from the sidewalk; the fence is also crooked and overlaps the property at 138 Spruce Street by two feet. Furthermore, the gate spanning the driveway opens into the sidewalk and when left open it completely blocks the sidewalk. The owners of 132 Spruce Street have also installed chicken-wire type fencing material on the north side of the property that is approximately five feet beyond the boundary line and is completely on the property owned by Dr. Bill Purdy of Kingsland Terrace.

Miles and Stefanie Waite
138 Spruce Street
Burlington, Vermont 05401

Thank you for your prompt attention to these matters.

Sincerely yours,

Stefanie Waite

* Please note that this letter has been revised to reflect the following correction: the original version of this letter misstated the street of the UVM property. It is Summit Street, not South Willard.

Ken Lerner

From: dynamozoe@yahoo.com
Sent: Friday, November 01, 2013 1:13 PM
To: Ken Lerner
Cc: William Ward; Jeanne Francis; Ronald Gore; Elsie Tillotson; Nic Anderson
Subject: Re: 132 Spruce St.
Attachments: 310maplestreet.jpg; 1940chainlinkfence.jpg; DSC_0035.NEF.jpg; DSC_0040.NEF.jpg; pg233fromsouthwillardhistoricdistrictdoc.png; southwillardhistoricdistrictregister.jpg

Hi Ken,

Thank for your guidance on installing a fence per the city ordinances and guidelines.

I was very troubled to hear that your decision to reject Waites' complaint was appealed by them. We're not sure how to handle this. What is our part in their appeal of our permit? We understood we were following the city's rules?

How we can support the terms of the approved permit at the appeal? Please let us know details for our participation.

I wanted to let you know that the day we found out the Waite's objected to the fence materials (after she delivered the first letter,) we offered to subsidize their installing a fence they'd prefer. However they said no, that they didn't want a fence.

We have photographs of current and historical precedents for chain link fences in Burlington including photos in the South Willard Historic Register on the Burlington City website. There are photos of chain link in the documents that established the South Willard Historic Preservation District.

A brief stroll around our neighborhood this morning revealed other examples of chain link fences within the South Willard Historic District. These fences include but are not limited to the following properties: 439, 487, 497 South Willard and 437, 445 and 508 South Union streets and are all at the street, though our fence is not.

The chain link fence at our property, 132 Spruce Street, starts at approximately 41 feet from the front picket fence and is significantly hidden behind trees. We propose to use the same wooden picket fence material that is used in the front for the first 41 feet. We'll submit the proposed changes to the permit.

The purpose of the fence is to keep our dog in, keep burglars out and to increase our privacy from intrusive neighbors. Since we moved in we've endured repeated negative and intrusive attempts to control our property while all the while we were making multiple and fruitless attempts at friendship.

Before we moved in, the Waites cut down all the screening vegetation, trees and many branches on this property to increase their visual access to our yard and until we got the survey and put up the fence they had expanded their garden into our property.

We've added a row of about 25 arbor vitae trees parallel to the fence on our side.

We feel the spurious allegations are a waste of the city's and our time and resources. (Perhaps that \$250 appeal money could have gone towards a fence that they preferred?) What we want is to have privacy on our property and to be left alone to enjoy life with our family.

I'm hoping we can sit down for a few minutes next week to map out how we can best achieve that.

Thanks so much for all your help so far and going forward.

Best regards,

Zoë (& Rob Barracano)
323-666-2425

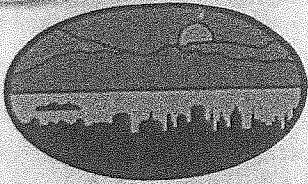
FOR YOUR REFERENCE ARTICLES, LINKS AND PHOTOS ATTACHED:

When historic preservation interferes with modern preferences

http://articles.washingtonpost.com/2011-08-07/local/35270421_1_chain-link-historic-preservation-houses

page 143, 439 south willard, chainlink gate at driveway, 5', page 233, chainlink fence, 300 maple street

https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=2&cad=rja&ved=0CDkQFjAB&url=http%3A%2F%2Fwww.burlingtonvt.gov%2F%2FHistoric-Preservation%2FNational-Register-PDFs%2FSouthWillardStHD%2F&ei=wq1zUuCoL6LNsQSenIGABQ&usq=AFQjCNElv0t39gdo1BTYokkjiu46LNa02Q&sig2=fQOB8ZyL9pJ0rhQA4_sO6A&bvm=bv.55819444,d.cWc



**ZONING PERMIT
CERTIFICATE OF APPROPRIATENESS**

City of Burlington, Vermont
Department of Planning and Zoning

Application Date: 6/25/2012

Appeal Expiration Date: 8/8/2012

Project Location: 132 SPRUCE STREET

District: RL

Owner: Robert Earl Barracano
Address: 132 SPRUCE ST
BURLINGTON VT 05401

Zoe - dynamozoe@yahoo.com

Ward: 6

Tax ID: 050-2-098-000

Project Type: Residential - Addition/Expansion

Project Description: Addition of wooden stockade fence on two and a half sides of property, deck in rear, garage roof, change windows to sliding doors.

Construction Cost:	\$6,000	Lot Size (Sq Ft):	11,250
Net New Habitable Sq Ft:	0.00	Net New # of Housing Units:	0
Existing % Lot Coverage:	0.00	Existing # of Parking Spaces:	0
Proposed % Lot Coverage:	0.00	Proposed # of Parking Spaces:	0
Net New % Lot Coverage:	0.00	Required # of Parking Spaces:	0

Zoning Permit #: 12-1261CA
Level of Review: 1

Decision By: Administrative

Decision: Approved w/ Pre-Release Conditions
See Requirements for Permit Release

Decision Date: July 24, 2012

Project File #: NA

Zoning Administrative Officer

An interested person may appeal a decision of the Zoning Administrator to the Development Review Board until 4 pm on August 8, 2012.

NOT RE-8/8/12 email from DPM

Fee Type	Amount	Paid in Full	Balance Due:	\$0.00
Application Fee:	\$70.00	Yes	Date Paid:	_____
Development Review Fee:	\$0.00	NA	Check #	_____
Impact Fee:	Not Applicable			

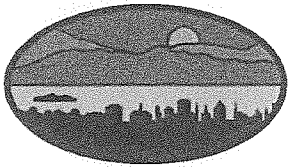
Building Permit Required: Yes

Permit Received by: *we B*

Date: 8/29/2012

RSN: 233190

149 Church Street Burlington, Vermont 05401-8415



City of
Burlington, Vermont
149 Church Street

Zoning Permit - COA Level I – Conditions of Approval

ZP #: 12-1261CA

Tax ID: 050-2-098-000

Issue Date: July 24, 2012

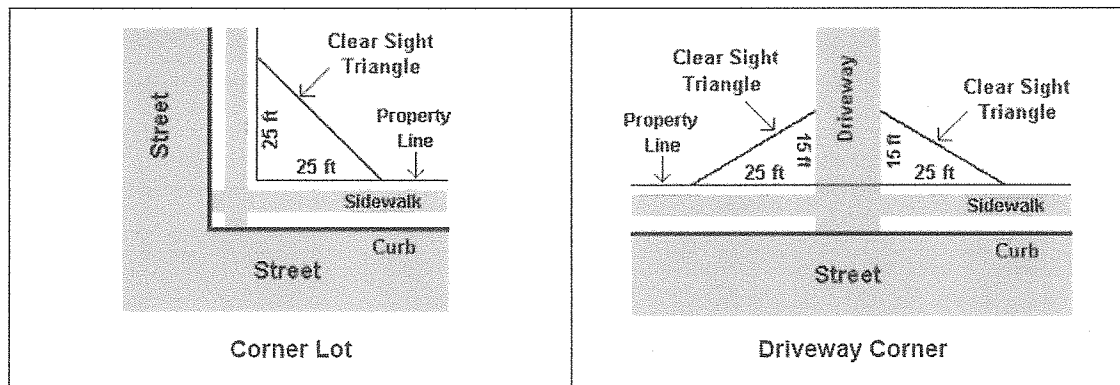
Decision: Approved with Pre-Release
Conditions

Property Address: 132 SPRUCE STREET

Description: Addition of wooden stockade fence on two and a half sides of property, deck in rear, garage roof, change windows to sliding doors.

Project Permit Conditions:

- Met
2/8/12
MC
1. Prior to release of the zoning permit, the applicant shall obtain written approval of the Erosion Prevention and Sediment Control (EPSC) Plan from the City Stormwater Administrator.
 2. Changes to the attic windows were deleted from this request by the applicant as per email of 7-24-12.
 3. The proposed railing may be modified to include additional vertical supports between the two railings.
 4. The proposed fence shall be setback sufficiently to provide for the maintenance of both sides of the fence without entering onto the adjacent property and shall present a finished side to the adjoining property and public street in accordance with Sec. 6.2.2(m) of the City of Burlington Comprehensive Development Ordinance.
 5. Fences placed within a clear sight triangle along driveways and at street intersections, or between an existing building and the front property line, whichever is less, shall be limited to 3-feet in height above the curb in order to provide safe sight distances for pedestrians and vehicles in accordance with the following diagrams from Sec. 6.2.2(m) of the City of Burlington Comprehensive Development Ordinance:



Standard Permit Conditions:

1. **Other City, State or Federal Permits.** The owner is solely responsible for obtaining all other

required City, state and federal approvals. Failure to do so may invalidate this Zoning Permit and result in enforcement actions.

Note: All projects receiving a Zoning Permit also require a Construction Permit or written confirmation that a Construction Permit is not required from Department of Public Works-Inspection Services Division (DPW-ISD). All construction permits must be closed out by way of approved inspections by DPW-ISD before issuance of a Unified Certificate of Occupancy (UCO) by the Code Enforcement Office as per Condition 3, below.

2. **Time Limits.** This zoning permit shall become invalid unless work or action authorized by the permit is commenced by **July 24, 2013**. The owner shall complete the approved project and obtain a UCO (combined Zoning and Building certificates of occupancy, still applicable even if a zoning or building permit was not required) by **July 24, 2014**, or be subject to enforcement actions.

These time limits are binding upon the owner unless one of the following apply: a) longer or shorter time limits are specifically imposed by a condition of approval; or b) the time limits are tolled by additional state or federal permitting for the project or by an appeal; or c) an extension of time has been granted. An extension of time must be requested in writing PRIOR to the expiration of the permit. If the owner has enacted the permit and it lapses, the owner may be responsible to obtain a new zoning permit, if required, which shall be subject to the current Comprehensive Development Ordinance (CDO).

3. **Unified Certificate of Occupancy (UCO):** It shall be unlawful to use or occupy (or allow the use or occupancy of) any land or structure or part thereof which has been created, changed, converted, or wholly or partly altered or enlarged in its use or structure without a UCO.

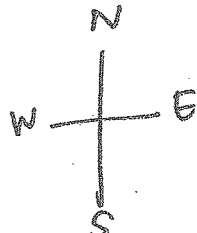
If the project is partially completed, meets "prior to issuance of a UCO" conditions of approval, meets all health and safety standards, and all municipal fees for the project are paid, a Temporary Zoning CO may be requested and issued. **Upon completion of the project**, applicant shall request and obtain a Final UCO from the Code Enforcement Office (located at 645 Pine Street). Additional information on how to request and obtain this UCO is available at this office. **Failure to obtain a certificate of occupancy** places the property in violation of the CDO and is subject to enforcement.

In addition, **Failure to obtain a UCO within the time limits above is subject to "after the fact"** fees ranging from \$75 - \$1500 (in addition to the UCO fee).

4. **Project Modifications.** The project shall be completed as shown on the plans, which have been stamped "approved" and dated by the administrative officer. The project shall not deviate from the approved plans or conditions of approval without prior written approval from the administrative officer.
5. **Property Inspection.** By acceptance of this permit, the owner authorizes City Officials and/or their authorized representatives, access to the subject property for the purpose of observing work in progress, inspecting and/or measuring the property or improvements until such time the project has been issued a Final UCO.
6. **Completion and Maintenance of Improvements and Landscaping.** Owner or successor in interest is responsible for completing all improvements shown on approved plans. By acceptance of this permit, Owner agrees to maintain all improvements in a satisfactory condition. Any landscaping installed according to the approved plan which becomes diseased or dies shall be replaced by similar species and size no later than the first available planting season.

7. **Off-Site Drainage.** Issuance of this permit does not authorize the discharge of stormwater runoff or other surface drainage from the subject premises onto adjoining property or properties including but not limited to the public Right of Way.
8. **Errors.** The owner is solely responsible for the accuracy of all information contained in the Zoning Permit application. Any errors contained therein may invalidate the Zoning Permit and may result in enforcement action by the City.
9. **Transfer of Ownership. All zoning permits run with the land.** In the event of a transfer of ownership, partial or whole, of the subject premises, the transferee shall become permittee and subject to compliance with the terms and conditions of this permit.
10. **Violations/Penalties.** A violation of any of the conditions of this permit or of any provision of the CDO may result in enforcement actions, including but not limited to a penalty of up to one hundred dollars (\$100) per day, municipal tickets, and/or additional permitting fees.
11. **Incorporation and Reference of All Plans Presented.** This approval incorporates by reference all plans and drawings presented and all verbal representations by the applicant on the subject application to the extent that they are not in conflict with other stated conditions or regulations.
12. **For Properties Involved in Boundary Disputes.** Boundary disputes are not within the jurisdiction of the administrative officer or the Development Review Board. When an application is submitted and the boundary of the subject property is called into question, the boundary will be determined based upon the best evidence available, for instance a survey or other official document. If a permit is issued and contrary evidence is presented to the City after the fact, such as a survey or Superior Court ruling with respect to the boundary lines, the permit may be amended or revoked by the City. If the permit is amended or revoked, owner shall bear all costs to remedy the situation, including removal of the structure(s) if necessary, that is if the structure(s) is/are unable to meet the requirements of the CDO and receive an amended permit in light of the actual boundary line.
13. **Damage to City Property.** The Owner is responsible for any damage to the City of Burlington's property, including but not limited to its right-of-way, sewer/water lines, etcetera, that occurs during the site improvements authorized by this permit. If damage occurs, the Owner shall restore the property to a condition equal to or better than the condition of the property prior to such damage.
14. **City Rights-of-Way and Ownership.** Permit approval does NOT authorize any work to be undertaken within the public ROW. Any work in the ROW can only occur with prior authorization by DPW and City Council, as required. Any work or improvements that are taken within the City's right of way does not diminish the City's ownership or authority regarding said right of way.
15. **Liquor License Required.** An approval of any use that includes the sale of alcoholic beverages is contingent upon the receipt of a liquor license from the City of Burlington or the State of Vermont, whichever is applicable.

32 Spruce St
 Arlington, VT
 05401



Hill →
 ↓
 DOWN TO LAKE

-- NOTE --

ANY MODIFICATIONS OR DEVIATIONS FROM THESE PLANS
 REQUIRE ZONING APPROVAL PRIOR TO CONSTRUCTION.
 ALL ERRORS IN DIMENSIONS, PLANS OR DETAILING ARE
 FULLY THE RESPONSIBILITY OF THE APPLICANT/OWNER.

~~PROPOSED
 BIGGER
 TREE
 WINDOW~~
 deleted
 and not
 included in
 permit
 approval

FINAL APPROVAL

SIGNED: [Signature]
 PLANNING & ZONING DEPARTMENT
 BURLINGTON, VERMONT

RECEIVED
 JUN 22 2011
 DEPARTMENT OF
 PLANNING & ZONING

PROPOSED
 CORRUGATED
 METAL
 SHEET

Fence lines
 structural link
 to chain
 acceptance
 "My Bull"
 8/9/13

Deck
 452"
 1,036"

PROPOSED
 FENCE

PROPOSED
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PROPOSED
 FENCE

PROPOSED
 FENCE

25 FT
 max ht. = 2 ft.

25 FT
 max ht. = 3 ft.

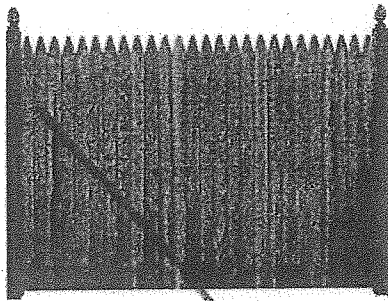


More saving. More doing.

Store Finder | For Pros | Get It Installed | Tool Rental | Gift Cards | Credit Center | Savings Center | How-To

My Store Location: Williston #4501 (Change) Local Ad Help | My Account (Sign in or Register)

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6 ft. x 8 ft. #1 Pressure Treated SPF 4 in Molded Stockade Fence Panel

Model # 73000412 Store SKU # 270600

★★★★ (1) Write a Review

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Available for In-Store Pick Up

Zoom

Product Description | Specifications | Customer Reviews | More Info | Shipping Options

*Fence detail
6' high;
3' high
closer to street
& in front
as per city
requirements.*

NOTE

ANY MODIFICATIONS OR DEVIATIONS FROM THESE PLANS REQUIRE ZONING APPROVAL PRIOR TO CONSTRUCTION. ALL ERRORS IN DIMENSIONS, PLANS OR DETAILING ARE FULLY THE RESPONSIBILITY OF THE APPLICANT/OWNER.

FINAL APPROVAL

SIGNED

DATE

PLANNING & ZONING DEPARTMENT
BURLINGTON, VERMONT